



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,056	11/26/2001	Robert F. Cruickshank III	FSP0163	9528
88095	7590	07/26/2010		
ARRIS 3871 Lakefield Drive Suwanee, GA 30024			EXAMINER PATEL, DHAIRYA A	
			ART UNIT 2451	PAPER NUMBER
			NOTIFICATION DATE 07/26/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mirho@fspllc.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09995056	11/26/2001	CRUICKSHANK ET AL.	FSP0163

ARRIS
3871 Lakefield Drive
Suwanee, GA 30024

EXAMINER

Dhairya A. Patel

ART UNIT	PAPER
----------	-------

2451	20100716
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This action is responsive to remand by the Board of Patent Appeals to cancel the expressly or implicitly withdrawn claims. Appellants has not appealed all rejected claims. Specifically, a review of the Ground of Rejection on the record finds that rejection are outstanding for the following pending claims: 1-3, 5-7, 9-20, 22, 23, 33-35, 37-39, 41-52 54, 55. The rejected claims that have not been appealed and/or argued for appeal are claims 2-3, 5-7, 9-11, 15-20, 22, 34-35, 37-39, 41-43, 47-52 54.

Therefore, the Grounds of rejection to be reviewed on appeal:

Claims 1, 33 are rejected under 35 U.S.C 102(e) as being anticipated by Foulger et al. U.S. Patent Publication # 2003/0018769 (hereinafter Foulger)

Claims 12, 13,14, 23,44,45,46,55 are rejected under 35 U.C.. 103(a) as being unpatentable over Foulger et al. U.S. Patent Publication # 2003/0018769 (hereinafter Foulger) in view of Feinberg et al. U.S. Patent # 6,798,745 (hereinafter Feinberg)

Therefore, Claims 2-3,5-7,9-11,15-20,22,34-35,37-39,41-43, 47-52, 54 are cancelled.

Therefore, Claim 12 is considered as an independent claim with claim 11 limitations added into claim 12 to make into independent claim 12. Therefore, claim 12 as independent claim with limitation from claim 11.

Therefore, Claim 23 is considered as an independent claim with claims 1, 22 limitations added into claim 23 to make into independent claim 23. Therefore, claim 23 as independent claim with limitation from claims 1, 22.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451